

REMARKS

Claims 1, 3, 5, 12-13, 24, 27-29 and 32-33 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc (U.S. 6,276,061). Applicants will address this rejection as it applied to each of the independent claims (claims 1 and 3) in turn.

Claim 1 (and new claim 34) requires, *inter alia*, an assembly, mounted on the housing of the blade unit. This assembly includes a trimming blade mounted on a rear wall of a blade carrier. The rear wall of the blade carrier has a rear exterior surface extending downward to a terminating surface. The trimming blade is mounted on the rear wall and has a trimming cutting edge extending at least partially beyond the terminating surface inside of an imaginary extension of the rear exterior surface. Applicants respectfully submit that not one of these features is disclosed in Rozenkranc, and thus the Examiner has not established *prima facie* obviousness.

To start with, Rozenkranc does not disclose an assembly of any kind mounted on the housing of the blade unit, much less an assembly including a trimming blade and a blade carrier on which the trimming blade is mounted.

Because Rozenkranc does not disclose a blade carrier on which a trimming blade is mounted, it is not surprising that Rozenkranc also does not disclose a blade carrier having a rear wall with the claimed characteristics. Similarly, since Rozenkranc does not disclose an assembly as claimed, Rozenkranc cannot disclose the claimed relationship between the trimming blade and the blade carrier, i.e., that the trimming cutting edge extends at least partially beyond the terminating surface of the rear wall of the blade carrier inside of an imaginary extension of the rear exterior surface of said rear wall.

The Examiner asserts that Rozenkranc discloses "a rear wall having a rear exterior surface extending along substantially the entire length of the trimming blade and defining a trimming cap (e.g., Figure 3A, unlabeled), a trimming blade having a trimming cutting edge (e.g., 4), and a trimming guard (e.g., Figure 3A, unlabeled)." Applicants respectfully request that the Examiner clarify what portion of Figure 3A the Examiner regards as showing a rear wall *of a blade carrier on which the trimming blade is mounted*, as recited in Applicants' claim 1. There is nothing in Rozenkranc to suggest that the trimming blade is mounted on a blade carrier that is

in turn mounted on the housing. There is nothing to suggest that any type of assembly is mounted on the housing, nor that the trimming blade is mounted on any type of carrier. On the contrary, Rozenkranc states that the trimming blade is located "in" the cast head body, and that the head body is lengthened so that the trim blade "may be located therein." (Col. 1, lines 36-41 and col. 2, lines 23-24.) While no detail is provided, these statements strongly suggest that the trimming blade is molded into the cast housing.

Turning now to claim 3, claim 3 (and new claim 35) requires "a trimming assembly attached, as one unitary piece, to the back of said housing, said assembly including a blade carrier and, mounted on the blade carrier, a trimming blade having a trimming cutting edge and a trimming guard in a predetermined position with respect to said trimming cutting edge to define a trimming blade span and a trimming blade angle."

As discussed above, Rozenkranc does not teach or remotely suggest a trimming assembly that is attached to the back of the housing. Nor does Rozenkranc disclose an assembly that includes a trimming blade and blade carrier. Accordingly, Rozenkranc simply cannot teach or suggest an assembly in which the trimming cutting edge of a trimming blade is in a predetermined position with respect to a trimming cutting guard that is also part of the assembly. As discussed in Applicants' specification at p. 3, lines 6-10, including the trimming blade and trimming guard on a common assembly that is attached to the housing facilitates accurate positioning of the trimming guard with respect to the trimming blade to provide accurate trimming blade tangent angle and trimming blade span. There is no recognition whatsoever in Rozenkranc that accurate relative positioning could be obtained by attaching the trimming blade and trimming guard to the housing as a common assembly.

For at least the reasons discussed above, claims 1 and 3, and the claims that depend therefrom, are patentable over Rozenkranc.

Claims 1, 3, 5, 12-13, 24, 27-30 and 32-33 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (U.S. 2004/0055156).

Claims 1 and 3 are patentable over Brown for at least the reasons discussed above with regard to Rozenkranc. There is nothing in Brown to suggest that an assembly including the

trimming blade and a blade carrier is mounted on the housing. Instead, it appears from Fig. 2 that the trimming blade 36 is molded into the housing. The Examiner asserts that Brown discloses "a blade carrier (e.g., at 4)." However, reference numeral 4 is used to indicate a part of the molded plastic housing (paragraph [0016], first sentence), not a blade carrier. Because Brown does not teach or suggest an assembly, mounted on the housing, which includes a trimming blade and blade carrier, neither does Brown disclose that the trimming blade is in a predetermined relationship to a blade carrier or a guard that is part of such an assembly.

Claims 1, 3, 5, 7-8, 12-13, 24 and 27-33 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Rozenkranc in view of "Applicants' Admitted Prior Art" (AAPA). Claims 7-8 and 31 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of AAPA.

It is respectfully submitted that Applicants have not admitted, either in their application or at any time during prosecution, that any of the features discussed above, which are lacking in Rozenkranc and Brown, are known in the prior art. Accordingly, Applicants submit that the claims are patentable for at least the reasons discussed above.

Applicants note that the arguments made in Applicants' previous responses are maintained, but have not been reiterated herein for the sake of brevity, and moreover because Applicants believe that the claims are patentable for the reasons discussed above. Amendments were made in Applicants' previous responses in an effort to advance prosecution, however it is submitted that these amendments are not necessary to patentability.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

Applicant : Evan Pennell et al.
Serial No. : 10/798,864
Filed : March 11, 2004
Page : 12 of 12

Attorney's Docket No.: 00216-661001 / Case 8131

Enclosed is a Petition for Extension of Time for one month. Please apply the excess claims fee and the Petition for Extension of Time fee, as well as any other charges or credits, to deposit account 06-1050, referencing Attorney Docket No. 00216-661001.

Respectfully submitted,

Date: May 1, 2007

/Celia H. Leber/
Celia H. Leber
Reg. No. 33,524

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

21554132.doc